

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

*This document relates to:*

Track One Cases

MDL 2804

Case No. 17-d-2804

Hon. Dan Aaron Polster

**IN LIMINE EVIDENTIARY STIPULATIONS**

Plaintiffs, the Cuyahoga and Summit County Governments, and the remaining defendants<sup>1</sup> in the Track One trial hereby stipulate and agree that neither party, their counsel, or their witnesses shall offer evidence or argument of the following in the presence of the jury:

1. any reference to the parties' or counsels' use of jury consultants or mock juries or related trial resources;
2. any reference to or mention of military service, other or prior employment, religious affiliations or positions, or other personal experience of the parties' counsel (including staff);

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<sup>1</sup> AmerisourceBergen Drug Corporation and AmerisourceBergen Corporation; Cardinal Health, Inc.; Henry Schein, Inc. and Henry Schein Medical Systems, Inc.; Johnson & Johnson, Janssen Pharmaceuticals Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively, "Janssen"); McKesson Corporation; Cephalon, Inc., Teva Pharmaceuticals USA, Inc., and Teva Pharmaceutical Industries Ltd. (collectively, "Teva Defendants"); Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc., Warner Chilcott Company, LLC, Actavis South Atlantic LLC, Actavis Elizabeth LLC, Actavis Mid Atlantic LLC, Actavis Totowa LLC, Actavis Kadian LLC, Actavis Laboratories UT, Inc. f/k/a Watson Laboratories, Inc.-Salt Lake City, and Actavis Laboratories FL, Inc., f/k/a Watson Laboratories, Inc.-Florida (collectively, "Actavis Generic Defendants"); Walgreen Co. and Walgreen Eastern Co. Teva Pharmaceutical Industries Ltd. has asserted and continues to assert that it is not subject to personal jurisdiction and is specially appearing to join this submission; thus, it does not waive and continues to contest personal jurisdiction and to preserve its pending personal jurisdiction challenge.

3. any comment or inference that bolsters the unchallenged character (e.g., honest) or traits (e.g., generous) of any party's current or former employees, managers, consultants, witnesses, experts, agents, or fiduciaries preemptively (e.g., "Do you know Mr. X? Yes, he is a good person of impeccable integrity.");
4. any reference to any party possessing or maintaining liability insurance, to the coverage limits of any such insurance, or the possibility that this litigation might cause an increase in the cost of purchasing or maintaining such insurance;
5. any reference to or mention of any settlement demands, offers, or negotiations between plaintiffs and any defendant participating in the trial;
6. any reference to or mention of the refusal of a party to enter into a stipulation prior to or during trial or any request in the presence of the jury for a new stipulation or revision to an existing stipulation;
7. any reference suggesting that plaintiffs would be entitled to treble damages if they prevail on certain claims; or
8. any reference to the religious views of any witnesses in an attempt to attack or support the witness's credibility.

Dated: September 25, 2019

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of September, 2019, the foregoing has been served via CM/ECF to all counsel of record.

/s/Peter H. Weinberger

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*Plaintiffs' Liaison Counsel*